

### **REMARKS**

Applicant appreciates the Examiner's comments and particularly the explanation on Page 3 in which he explains the breadth of interpretation of our claim terminology where our claim language is taken as an abstract "relative meaning" applied to the terminology "quality levels," and that further the terminology of either a high rate or a low rate relative to the copy image signals is determined apart from the context of pixels relative to each frame.

Based on such a claim interpretation, the Examiner again repeated, verbatim, his rejection of Claims 1-6 as being completely anticipated by *Kori et al.* (U.S. Patent Publication 2004/0028385) and a rejection of Claims 7-12 and 14 as being obvious over *Aridome* (U.S. Patent Publication 2004/0126097) in view of *Kori et al.* under 35 U.S.C. §103.

In an effort to accelerate the prosecution, applicant has amended its independent claims to provide within the claims, as supported by our specification and drawings, a representation of the quality level in the content of the plurality of pieces of copy control information to support our prior arguments against the respective references.

To assist the Examiner, applicant has also filed a Request for Continue Examination of the application to provide the Examiner adequate time to evaluate our current independent claims.

While it is believed that the amendment to our claims more than adequately addresses the issues raised in the Final office Action, applicant is receptive to any telephone interview on the current claims, if the Examiner believes that this will assist further in the prosecution.

As the Examiner's comments on Page 3 indicate, in adequately defining an invention of some complexity an interpretation of claims can become an issue.

The difficulty arises in using a two-dimensional verbal definition to represent a three-dimensional invention. To provide protection to an inventor and notification to the public, a proper interpretation of terms utilized in the claims must be adhered to in order to enable an appropriate evaluation of the invention and its scope relative to cited prior art.

Thus, not only should the concept of the invention be found in the prior art, but further, any cited structural elements in a prior art reference should be performing the same function with the same technical understanding to a person of ordinary skill in the field as the invention claims at issue.

Referring to our independent Claims 2, 7 and 14, each of these independent claims provide features that cannot be found or suggested in any combination of the references of record.

As can be determined, applicant has now provided within the body of the current claims, definitions that overcome the prior broad interpretation of our claim terminology. Thus, our quality level discloses one of a resolution level and a frame interval of the frame images represented by the video signal, in the plurality of pieces of control copy information to provide respective first and second pieces of copy control information corresponding to a video signal representing material having the same frequency in an industry known, NTFC or PAL, with resolutions equal to or higher than 1280 x 720 for film material while the second piece of copy control information indicates a less strict restriction than that of the restriction indicated by the first piece of copy control information.

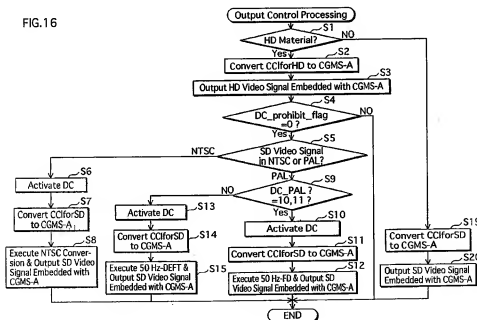
Placing our current claims into context for illustrative purposes only and without a disclaimer of our other embodiments, reference can be made to Example 1 and the teachings in our specification and drawings. Thus, the consequences of treating, for example, HD material

differently than SD material for purposes of copying, would discourage counterfeiting of the contents of distributed media such as films, as can be seen for example, in our specification on Page 19, Paragraph 0040 as follows:

[0040] Because of its resolution, film-based material is generally referred to as HD material. In addition, material having the same frequency as that of NTSC or PAL may be referred to as HD material if the resolution is 1280 x 720 or higher. On the other hand, NTSC and PAL material is often referred to as SD material. Video signals representing HD material is what is referred to as an HD video signal above, whereas video signals representing NTSC or PAD material is what is referred to as an SD video signal above.

An illustrated example of our invention can be found in our specification in Paragraphs 0087-0094, which is implemented by the flowchart of Figure 16, and can be further illustrated in the schematics of Figures 14A, 14B and 15A, 15B.

FIG. 16



Applicant has now more than adequately distinguished over any electronic watermark processing and the procedures taught in the *Kori et al.* reference, where the use of a detected copy and count data is a key component of its detection feature. Our claims more than adequately distinguish over any possible interpretation of a higher rate copying results being construed as the higher quality with a lower rate copying results being misconstrued as a lower quality.

*Kori et al.* was utilized to permit any targeted information to be copied in a shorter time and implementation of a copy control according to a UCS method based on a copy rate.

As can be appreciated, the *Aridome* reference was cited as a secondary reference and does not teach nor disclose a plurality of pieces of copy control information recorded in a recording medium where pieces of copy control information corresponding to a quality level of the video signal as now defined in our current claims.

It is believed that the present application is allowable over the references of record, and if the Examiner believes a telephone interview will assist in the prosecution of this matter, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

**SNELL & WILMER L.L.P.**



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